

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN FRANCIS ARPINO,

Plaintiff,

v.

BRIAN SANDOVAL et al.,

Defendants.

Case No. 3:14-cv-553-MMD-WGC

SCREENING ORDER

After screening Plaintiff's initial complaint pursuant to 28 U.S.C. § 1915A, the Court dismissed Plaintiff's Equal Protection Clause claim with prejudice and denial of access to the courts claim without prejudice. (Dkt. no 5.) The Court gave Plaintiff leave to amend his denial of access to the courts claim to cure the deficiencies identified in the Court's order, and warned that failure to amend will result in dismissal with prejudice. (*Id.*) Plaintiff timely filed a "first amended" complaint. (Dkt. no. 6.) However, Plaintiff has effectively failed to amend his complaint. Plaintiff has, in fact, refiled his original complaint, complete with the Court's docketing numbers, date, and page numbers. (*See, generally* dkt. no. 6.) Plaintiff thus failed to amend his denial of access to the courts claim, which was dismissed without prejudice, with leave to amend. In light of Plaintiff's failure to properly amend his denial of access to justice claim, the Court will dismiss this action with prejudice.

It is therefore ordered that a decision on the application to proceed *in forma pauperis* (dkt. no. 2) is denied as moot.

1 It is further ordered that Plaintiff's amended complaint is dismissed with prejudice
2 for failure to state a claim, as amendment would be futile.

3 It is further ordered that this Court certifies that any *in forma pauperis* appeal
4 from this order would **not** be taken "in good faith" pursuant to 28 U.S.C. 1915(a)(3).

5 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

6 DATED THIS 21st day of October 2015.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE